

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

---

IN RE SWISHER HYGIENE, INC. )  
SECURITIES AND DERIVATIVE ) MDL DOCKET NO. 3:12-MD-2384-GCM  
LITIGATION )  
 )  
 )  
TOM BORTHWICK, )  
 )  
Plaintiff, ) MEMBER CASE DOCKET NO.: 3:13-cv-449-  
 ) GCM  
v. )  
 )  
STEVEN R. BERRARD, et al., )  
 )  
Defendants, )  
 )  
and )  
 )  
SWISHER HYGIENE, INC., )  
 )  
Nominal Defendant. )  
 )

---

**ORDER DISMISSING  
VERIFIED SHAREHOLDER DERIVATIVE COMPLAINT**

In reference to the parties' Stipulation of Dismissal filed December 10, 2014 (Doc. No. 114), **IT IS ORDERED** that the Borthwick Action is dismissed and all claims asserted against all defendants therein are dismissed with prejudice as to Borthwick. Swisher's Motion to Dismiss (Doc. No. 112) is terminated as **MOOT**.

**SO ORDERED.**

Signed: December 11, 2014



Graham C. Mullen  
United States District Judge

